

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MIGUEL ANGEL DIAZ,	:	CIVIL ACTION
	:	
Petitioner,	:	2:02-CV-04454
	:	
v.	:	
	:	
JOHN ASHCROFT, EDWARD MCELROY,	:	
KENNETH ELWOOD, and the	:	
IMMIGRATION AND NATURALIZATION	:	
SERVICE,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this day of November, 2002, upon
consideration of the Respondents' uncontested Motion to Lift Stay
of Removal, it is hereby ORDERED that the Motion is GRANTED and
the Stay of Removal ordered by the United States District Court
for the Southern District of New York is VACATED.¹ See Local

¹ This case was transferred to the Eastern District of Pennsylvania from the Southern District of New York. Prior to transfer, a stipulation for stay of deportation was signed by both parties and approved by a Judge in the Southern District of New York. Now that this case has been transferred to the Eastern District of Pennsylvania, it is our view that this petition appears properly before this Court. Therefore, as the court with proper jurisdiction, this Court finds that the stipulation signed and approved in the United States District Court for the Southern District of New York is no longer operative here in the Eastern District of Pennsylvania. Furthermore, Petitioner has not made a showing why the New York stipulation should continue to be binding or why a stay of deportation would be appropriate. In addition, lifting the stay issued by the District Court in the Southern District of New York has no effect on the disposition of Petitioner's habeas petition or Petitioner's ability for reentry should he prevail on his claim. For these reasons, we GRANT the Motion to Lift Stay of Removal and VACATE the stay ordered by the District Court for the Southern District of New York.

Rule 7.1(c).

BY THE COURT:

J. CURTIS JOYNER, J.